



City of Miami Beach - City Commission Workshop
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 25, 2005 City Commission Workshop
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Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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Growth Management Workshop – Issues and Initiatives

Meeting called to order at 4:36:22 p.m. by Vice-Mayor Garcia, who announced that Mayor Dermer would be delayed.

Jorge Gonzalez, City Manager, introduced the item.

Jorge Gomez, Planning Director, gave an overview of the zoning, Charter amendments and the concurrency system/MMP done in the last years during a PowerPoint presentation.

Discussion held.

Commissioner Cruz stated that everyone would like to seize the growth control, and added that if the Commission is going to do something, from a legal perspective, to ensure that they are not going to be running into Burt J. Harris lawsuits. The sentiment is to try to get something done, trying to avoid a legal process. There have been millions of dollars spent in legal matters. Whatever action is taken today must pass a legal standard that will be defensible. The City also must be mindful of litigation, legal fees and costs.

Murray Dubbin, City Attorney, explained that this issue of taking property people own and altering its use or reducing the amount of its use is potentially a claim under the Burt J. Harris Act; that may be one of the costs of doing business and there needs to be awareness that part of the cost of doing business of downsizing and rearranging may be the payment of compensation under the new laws that the State of Florida has adopted. The City has never paid a cent under the Burt J. Harris Act, issues have been resolved and the City has paid attorney's fees.

Discussion continued.

Commissioner Gross asked Fred Beckmann, Public Works Director, where the troublesome intersections are located and in state of failure now and Gross referred to the chart distributed which identified 41st Street, 47th Street, with level of service F in the evening, 43rd Street, Alton Road and Alton Road South as well as 5th, 8th,

11th, 15th and 17th, which were all failing in the evening peak.

Fred Beckmann, Public Works Director, explained that the traffic volumes in some of those areas have increased and reached a level of service F.

Commissioner Gross asked about the status of the protected left turn signals on Alton Road, which have been order some years ago.

Fred Beckmann, Public Works Director, explained that the protected left turn signals are scheduled to be installed by October of this year.

Jorge Gomez, Planning Director, explained the three possible choices: zoning amendments, Major Use Special Project style review system (MUSP), or a Rationing System. He explained that each options has its positive and negative areas and some of these could be done citywide or by neighborhood.

Discussion continued.

Commissioner Steinberg asked Jorge Gonzalez, City Manager, what legislative agenda items have been given to the City Commission to make it a priority to give the Commission power to resolve the concurrency matter.

Commissioner Gross explained that the question Commissioner Steinberg asked would imply imposing an indefinitely citywide moratorium, since one cannot solve the increased capacity issue; and he does not believe that this is what the City wants or legally can impose. One way to modulate what is happening is to monitor it over a period of years, slow and control the rate of growth and definitely having a MUSP review style process to give the ability to require public improvements, rather than specifically concurrency payments from the developer. Discussion continued.

Jorge Gomez, Planning Director, explained that each of these options presented can be done citywide or by neighborhood and would need further study. Lot aggregation issues are consistent and are another way to deal with this issue.

Commissioner Gross stated that the City Commission had instructed the Planning Department to look at areas where lot aggregation was not possible in the City, such as the Museum District, where there is a lot aggregation.

Vice-Mayor Garcia excused himself from the meeting and gave the gavel to Commissioner Bower.

Jorge Gonzalez, City Manager, asked for direction from the Commission to instruct Administration to focus on Package One; take them to Planning, and back to Commission. He would also recommend pursuing the MUSP, the most legally defendable in the State.

Commissioner Gross asked Jorge Gonzalez, City Manager, to include the Municipal Mobility Plan.

Commissioner Smith suggested sequencing construction activities as to not to disrupt people's lives. He suggested a rationing system, that once you start construction, no more construction can occur within a certain area within a certain period of time.

Commissioner Steinberg added that the MUSP is tight into getting the right fees. If the fees are adequate to offset some of the impacts, we should have those funds there, and not offer the developer extra rights in essence to do that. Asking a developer to give you something in order to get additional FAR or building rights could cause legal problems.

Jorge Gonzalez, City Manager, suggested having Administration go back and analyze what is the threshold. His recommendation is to the degree that it can be done, instead of a fee; the City have the developer get a project built or donate the land, for example, rather than concurrency.

Commissioner Smith stated that one of the issues he raised a number of years ago, is that the County imposes a parking impact fee on developers that build within unincorporated areas of Miami-Dade County; and they fund a lot of the parks that way; he understands that under the City's concurrency plan, there is a parking fee built into it, but the threshold is too high, and maybe the City can lower the threshold to start collecting moneys for projects in the City. Discussion continued.

Jorge Gonzalez, City Manager, explained that the Rationing System is one of the systems that most closely resemble the referendum question that was asked from voters in November, and the City is trying to address that straw ballot question in some way, but it is complicated and does then require the City to get an RFP or maybe Outside Planning and Legal Consultant help.

Commissioner Steinberg stated that the first question is if the Rationing System is legal under the statutory system before monies are spent on outside consultants. Discussion continued.

The City Commission was in consensus of directing the Administration to analyze and review zoning changes Package One and Two, have Legal Department review and look at the threshold project as part of the MUSP style review process.

Meeting adjourned at 6:57:17 p.m.